

Receipt # _____
Sum Iss / No Iss-IFP App / None Pvd

FILED
LODGED
ENTERED
RECEIVED

APR 08 2015 PM

AT SEATTLE
CLERK U.S. DISTRICT COURT
BY WESTERN DISTRICT OF WASHINGTON DEPUTY

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

Amended

Case # C15-243-RSL
(To be assigned by the Clerk's Office)

Raul Lopez, Jr. and Carol J. Shilling

Plaintiff(s)

vs.

United States Secret Service

Defendant(s)

CIVIL COMPLAINT

JURY TRIAL DEMANDED

Parties to this complaint

Plaintiff(s) Name, Address, and Phone Number

1. **Raul Lopez, Jr.**, 12046 Lakeside Avenue NE, Seattle, Washington 98125, 206-354-0131

2. **Carol J. Shilling**, 12046 Lakeside Avenue NE, Seattle, Washington 98125, 443-630-7618

Defendant(s) Name, Address, and Phone Number

1. **United States Secret Service**, 245 Murray Lane, SW, Building T-5, Washington, DC, 20023, 202-406-5659

Jurisdiction

(Reason your case is filed in federal court)

28 USC permits an action to be brought against the government. We have received a letter of permission to file from the Chief Counsel of the United States Secret Service, Donna Cahill, authorizing our legal action through February 14, 2015 (our five year anniversary). We are filing on February 13, 2015.

28 USC 1391(e) states that an action may be brought within any judicial district in which the plaintiff resides if no real property is involved in the action.

28 USC 1402(b) Federal Tort Claims Act Venue lies in judicial district where the plaintiff resides

The plaintiffs in this action both reside in the Western District of Washington (WAWD) United States District Court. We respectfully request any requests for change of venue be denied due to the hardship it would impose on the plaintiffs.

Statement of Claim

(State here as briefly as possible the facts of your case)

Be it known that on Christmas Day Raul Lopez, Jr. was run over by United States Secret Service Officer, Stephen Lillis, on the vendor's sidewalk of 15th Street NW, in the District of Columbia near the National Christmas Tree and State Trees adjacent to the Ellipse area on December 25, 2013 at approximately 2pm. We, Raul Lopez, Jr. and Carol J. Shilling, request compensation for loss, actual and implied, tangible and intangible, as well as pain and suffering, due to physical, mental and emotional injury, loss of livelihood, loss of income, loss of marriage, recurring prostate cancer, hardship on disabled individuals, as well as medical, procedural, legal, and personal expenses related to this accident and legal proceedings, hereby stating that the

1 injuries listed above occurred as a result of the negligence of the officer, Stephen Lillis, United
2 States Secret Service, in the course of his duties as a United States Secret Service Agent.
3 Raul Lopez, Jr., Carol J. Shilling, and Juanita Bazan visited the District of Columbia on Christmas
4 Day December 25, 2013, viewing and taking pictures of the White House Verandah and Gardens
5 and they then walked over to the area where Christmas trees from different States were
6 displayed. Raul Lopez, Jr., Carol J. Shilling, and Juanita Bazan passed armed guards carrying
7 multiple AK47 rifles as they left the Christmas Tree area and entered 15th Street NW, a busy
8 crowded sidewalk vendor shopping area, to look at and shop for souvenirs. These armed
9 guards are common next to the White House fence, however they are particularly unusual on
10 the vendor sidewalk and this created tension and fear in the citizens of an imminent terror
11 attack. Mr. Lopez had a fear that if he got in their way, he would be harmed by those officers.
12 Moments later, he was in fact harmed, leading to post-traumatic stress disorder, combined
13 with a pre-existing fear of police.
14 As Mr. Lopez, Mrs. Shilling, and Ms. Bazan were walking along the sidewalk and shopping,
15 Officer Stephen Lillis suddenly came behind Raul Lopez, Jr., making contact between Officer
16 Lillis, his bicycle, and Raul Lopez, Jr. Suddenly, Secret Service Officer Stephen Lillis ran over Raul
17 Lopez, Jr. knocking him down.
18 Raul Lopez, Jr. was crushed to the ground by the force of the sudden landing on his body by the
19 mass of the officer and his bike. His knee was suddenly and acutely slammed into the frozen
20 (20°F) sidewalk pavement by the bicycle's front wheel as his body was forced to the pavement
21 by the bike and Officer Stephen Lillis' body mass. The handle bars landed on Mr. Lopez' back
22 and both shoulders, and the spoke of his bicycle and frame surrounding the spoke landed on

1 Mr. Lopez right calf along with the mass of the agent and the bicycle, injuring Mr. Lopez in his
2 right knee, ankle, and calf.

3 Mr. Lopez' groin was wedged, jerked and torn by the force of the accident. This was further
4 damaging due to the prostate cancer and radiation treatment Raul Lopez, Jr. was receiving at
5 that time, making this area already tender from the radiation treatments. Mr. Lopez was in his
6 8th of 12 months of internal prostate radiation seeds for prostate cancer, and rather than being
7 cured as expected statistically, his cancer PSA has risen, indicating statistically that the
8 treatment was not successful. It is our contention that the increase in PSA is due to the
9 accident and that the accident has caused the prostate cancer to grow statistically significantly.

10 Mr. Lopez bleeds from his penis and has pain in the prostate area continually as a result of the
11 injury. He has severe pain in his back and shoulder as an injury received from the brute force of
12 the handlebars and his knee and ankle have severe pain as they received the wheel and frame,
13 with Mr. Lopez' whole body receiving the mass of the agent, Stephen Lillis. Mr. Lopez' knee is
14 dislocated causing severe pain when he walks on flat ground or up and down hills or up and
15 down stairs or pushing and pulling his work equipment. He is consistently in pain in his
16 shoulders, back, groin, knee and ankle due to the negligent actions of Officer Stephen Lillis.
17 Officer Stephen Lillis briefly asked Mr. Lopez if he was ok and then rode off before adequately
18 ascertaining that Mr. Lopez was in fact without injury. Carol J. Shilling pursued the officer, who
19 gave Carol J. Shilling a business card when requested. The officer returned to the bench area
20 where Raul Lopez, Jr. and Juanita Bazan were then resting. Mr. Lopez told the officer that he
21 wasn't feeling well and that the back of his calf was hurting severely. Raul Lopez, Jr., Carol J.
22 Shilling and Juanita Bazan noticed that Officer Stephen Lillis had a significant amount of white

1 foam coming from the left side of the mouth. In attempting to reassure Mr. Lopez regarding
2 prostate cancer, Officer Lillis talked about having a previous illness of encephalitis within recent
3 years of that date, which concerned us significantly.

4
5 Since it was Christmas and Raul's mother Juanita's only visit to the District of Columbia, after
6 discussion with Officer Stephen Lillis, it was agreed that Mr. Lopez would attempt to continue
7 with the day, and hope for the best, and if he was not feeling better by the morning, he would
8 go to the emergency room. The officer took Mr. Lopez' phone number and said he would call
9 and check on Mr. Lopez. He did call and Mr. Lopez told him he wasn't feeling well and would
10 be going to the emergency room in the morning.

11
12 Mr. Lopez spoke with Officer Stephen Lillis on December 26, 2013, and went to the emergency
13 room, Shady Grove Germantown Satellite Emergency Room in Germantown, Maryland, and
14 had x-rays taken. Mr. Lopez was referred to see his primary physician and an orthopedic
15 physician. The emergency physicians outfitted Mr. Lopez with a walking cane to support his
16 weight. At the advice of his primary physician, Mr. Lopez sought treatment in Seattle,
17 Washington, his residence, from orthopedist, physical therapist, chiropractors, internal
18 medicine physicians, urologist, psychologist, oncologist, naturopathic, reiki, massage, etc. He
19 remains in severe pain, and additionally has severe post-traumatic stress disorder, prostate
20 cancer, and loss of marriage as a result of negligence of Officer Stephen Lillis, and is effectively
21 unable to earn income.

1 Officer Stephen Lillis was negligent in the implementation of his duties as this was a pedestrian
2 sidewalk, and in that he should have taken care not to cause injury to citizens by walking his
3 bike in this congested pedestrian area, as he was not pursuing any individual or involved in any
4 active official duty during that period of time when the accident occurred. District of Columbia
5 law prohibits riding bicycles on pedestrian sidewalks. Officer Stephen Lillis' speed was such that
6 he was unable to quickly stop, indicating his speed was excessive. Officer Stephen Lillis' was
7 swerving in and around pedestrians in a negligent manner that was predisposed to cause an
8 accident. This event was witnessed by Carol J. Shilling, Raul Lopez, Jr., Juanita Bazan, Stephen
9 Lillis, and pedestrians and vendors in the area.
10 Mr. Lopez is effectively disabled for employment causing financial, emotional and mental
11 hardship. He has been forced to work in severe pain this past year though not effectively to
12 maintain our household living expenses. As he had no health insurance at the inception of this
13 event, and the secret service did not provide any remedy, he was forced to go without many
14 treatments for three months until obtaining health insurance through the Affordable Care Act.
15 Mr. Lopez was only able to afford limited chiropractor adjustments and one visit to Family
16 Healthcare and the emergency room visits which bill is still due prior to obtaining health
17 insurance.
18 Though we asked for the secret service agent's credentials and asked to file a report
19 immediately, Raul Lopez, Jr. was not instructed to fill out any specific paperwork at the time of
20 the accident. Raul Lopez, Jr. was forwarded to various Secret Service staff including Sergeant
21 Jeffrey Piccard, Sergeant Clark, and finally Sergeant Thomas Stassi. Raul Lopez, Jr. was not given
22 any written instructions of protocol or told to complete any paperwork whatsoever until

1 January 22, 2014, when Raul Lopez, Jr. received an email containing Form 95, Claim for
2 Damage, Injury or Death, from Sergeant Stassi, Communication Center of the UND, Office of the
3 Chief, 245 Murray Lane, SW, Building T-5, Washington, DC 20023. Because it was the United
4 States Secret Service, their knowledge of protocol was not questioned, however we were not
5 informed of many pertinent details. Though it was requested on December 26, 2013 that an
6 official report be file and that we receive a copy, none has been provided.
7 When the secret service officer ran Mr. Lopez over, he caused a cascade of events. Had he not
8 hit Mr. Lopez, our Christmas Day would have been filled with joy as we took his mom to see the
9 sights of the District of Columbia. Instead, his Christmas Day outing with his mother and wife
10 was greatly diminished due to the severe pain he endured. Raul Lopez, Jr. would have been
11 able to work after Christmas, providing monies for our move to Washington State. Raul Lopez,
12 Jr. was unable to help his wife in the pack up of our house and belongings and associated
13 unpacking. We were forced to hire day laborers to load the truck, which had to be rearranged
14 several times due to their lack of expertise. Our intended move date was December 28, 2013,
15 and due to his injuries, we were not able to actually leave Maryland until January 8, 2014,
16 causing a loss of our rental deposit and an inability for the landlord to re-rent the property.

17
18 The situation has put undue stress on Carol J. Shilling, Mr. Lopez' wife, who is disabled from
19 chemical poisoning by phenol in Sporidicin Disinfecting Solution that was sprayed onto her
20 through the ventilation system in her science classroom and residual toxin which was sprayed
21 by maintenance employees at the Needwood Academy in the Blair G. Ewing Center, 14501
22 Avery Road, Rockville, MD 20853, which holds the Montgomery County Public Schools (MCPS)

1 Maryland middle and high school Alternative Programs, administered by Ira Thomas. As a
2 result of this toxin's effect on her neurological system, she suffers cognitive and neurological
3 dysfunction. The negligence of Stephen Lillis has limited the assistance of Carol J. Shilling's
4 husband, Raul Lopez, Jr., causing Mrs. Shilling to have to perform many manual tasks her
5 husband would have performed for her. Mrs. Shilling has pain and disorientation when she
6 bends over, lifts too much, or has too much physical or mental activity. Mrs. Shilling was forced
7 to repack the moving truck several times herself, alone. Mrs. Shilling has also had to assume
8 the tasks of administering the claim against the Secret Service and this directly leads to severe
9 trigeminal neuralgia pain and increased neurological symptoms, which are very painful and
10 disabling.

11
12 Mr. Lopez' has developed post-traumatic stress disorder as the result of the accident. He has
13 severe fear of the police, including significant fear of white police officers. The event has
14 caused previous unresolved excessive force events to come to the forefront of Mr. Lopez'
15 psyche, causing extreme emotional distress. Mr. Lopez suffers depression as a result of the
16 incident and has lost significant body mass since the incident due to developing fears of foods.

17
18 The marriage between Raul Lopez, Jr. and Carol J. Shilling is irreparably damaged and will be
19 dissolved within 100 days of the plaintiff's filing of this proceeding. It is our contention that Mr.
20 Lopez' severe pain, severe post-traumatic stress disorder, and financial loss developed as a
21 result of the events of this injury, have led to a loss of peace of mind and happiness for both
22 Raul Lopez, Jr. and Carol J. Shilling leading to the dissolution of the marriage and that this is

1 attributable to the negligent actions of Officer Stephen Lillis.

3 **Relief**

(State briefly exactly what you want the court to do for you)

4 We, Raul Lopez, Jr. and Carol J. Shilling respectfully beg the court to provide relief in
5 compensation from the defendant for our loss, actual and implied, tangible and intangible, as
6 well as pain and suffering, due to physical, mental and emotional pain and injury, loss of
7 livelihood, loss of income, loss of marriage, recurring prostate cancer, hardship on a disabled
8 individuals, as well as medical, procedural, legal, and personal expenses related to this accident
9 and legal proceedings, hereby stating that the injuries listed above occurred as a result of the
10 negligence of the officer, Stephen Lillis, United States Secret Service, in the course of his duties
11 as a United States Secret Service Agent by ordering the United States Secret Service to pay us
12 \$10,000,000. We also request the court to order the United States Secret Service to review
13 their protocols for behavior of sidewalk bicycle officers as well as protocols for communicating
14 with the public after an accident, and requirement to provide a publically viewable incident
15 report within a reasonable period of time after an accident (5 days).

16
17
18
19 Date: 2/13/2015

Signature of Plaintiff or Attorney: s/Raul Lopez, Jr. and
s/Carol J. Shilling

